

## REMARKS

The Examiner has withdrawn the Final Rejection from the previous Office Action and has added an additional reference to Macias (US 5,548,873) in rejecting the claims that were in the Application. Applicant has now presented a new claim 22, has amended claims 20 and 21, and has added a new claim 23. Claim 22 is an independent claim whereas claims 20, 21, and 23 are dependent from new claim 22.

Since the Examiner has withdrawn the Final Rejection and added a new reference after indicating that the claim presented prior to the present Office Action would be allowable, it seems clear that the Examiner and Applicant are at an impasse as to the proper definition of the present invention. Accordingly, in order to present Applicant's case in the best condition for what will undoubtedly be an Appeal of the case, Applicant wishes to call the Examiner's attention to several items both in the law and in the Manual of Patent Examining Procedure which support Applicant's position.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) "must teach or suggest all the claim limitations". MPEP2143.

The Examiner has failed to show a *prima facie* case of obviousness in this case because she has not shown a suggestion or motivation to modify or combine the reference teachings and she has not shown that the references teach or suggest all the limitations of claim 22 and of the dependent claims. The Examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate

patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. *In re Rouffertt*, 149 F3d 1350, 1357 (Fed. Cir. 1998). In the present case, the Examiner has found most, but not all, of the claimed elements in the prior art. However the Examiner has failed to show any suggestion or motivation to modify or combine the references to teach the claimed limitations. The Examiner is improperly using Applicant's invention as a blueprint for piecing together elements in the prior art.

A statement that modifications of the prior art to meet the claimed invention would have "been well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teaching of the references. MPEP2143 citing *Ex parte Levengood*, 28 USPQ 2<sup>nd</sup> 1300 (Bd. Pat. APP. and Inter. 1993).

New claim 22 recites that the bores through the housing of the present invention go straight through the housing and are not curved or turned in any way. Further, new claim 22, recites a wedge means that is positioned within a housing in a channel that breaks into one of the bores. The wedge means is recited as being spring loaded by a coil spring that urges the wedge means into the bore. Further, new claim 22 recites "said coil spring that spring loads said wedge being positioned axially within said channel so that the force generated by said coil spring acts at all times in an axial direction".

A combination of Facey et al. (US 6,003,210) in view of Pasbrig (US 4,889,320) fails to show this arrangement of a releasable cable grip that has release levers to release the wedges from the cable that the wedges grip. It must be noted that Facey et al. teach away from providing

release levers at all in such a device. Facey et al. clearly teaches the use of a tool (35) separate from the releasable cable grip in order to release the wedges from the cable when it is desired to move a cable segment within the releasable cable grip. Certainly there is no motivation in Facey et al. to provide releasable levers on the wedges as is provided in the present invention.

Pasbrig shows only one species of his invention where the passages that receive the cable pass directly through in a straight line so that the cable is not turned or bent as it passes through the housing of Pasbrig. That species is represented in Figures 8A, 8B, and 8C. It is that species of Pasbrig that must be utilized in combination with Facey et al. if the Examiner is to use any species of Pasbrig at all. That particular species of Pasbrig (Figures 8A, B and C) shows a coil spring that is in a passage that is parallel to the straight through passage that receives the cable. The coil spring is bent to attach to the wedges of Pasbrig so that the coil spring does not act at all times in a direction axial to the coil spring. This reduces the effectiveness of the coil spring because any coil spring is designed to provide force along its axis.

As recited above, in order to reject a claim on obviousness by combining elements of the prior art, every feature of the claim must appear in the prior art to make the rejection a valid rejection. Clearly, in the present case, every element of Claim 22 does not appear in the combination of Facey et al. and Pasbrig. In the combination, the force of the coil spring urging the wedges having release levers does not act in the axial direction of the spring.

Claim 23 recites the second bore within said housing as permitting the second cable segment to move freely through the second bore. This feature was the subject of a rejection with the additional reference to Macias (U.S. 5,548,873) that appeared in the Office Action to which this Amendment is a response. Clearly, if the combination of Facey and Pasbrig is improper, as Applicant has shown herein, the further addition of Macias does not make the combination of the three patents proper. Further, the Macias reference is clearly selected by the Examiner by using

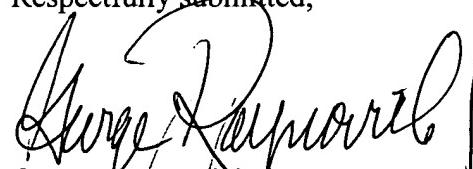
Applicant's own invention as a blueprint for the items to create the Rejection. This is clearly in violation of the materials cited above from the Manual of Patent Examining Procedure.

The Macias reference contains no suggestion that it be combined with a free-standing releasable cable grip as defined by Applicant's invention. Macias is designed to be secured to a dock or other fixed item rather than to be a free-standing releasable cable grip connector. Further, other than Applicant's own invention, there is nothing to suggest in either Facey et al. or in Pasbrig the use of a connector with one passage that permits free passage of a cable segment therethrough.

In view of the foregoing discussion, it is respectfully submitted that new claim 22 and new claim 23 together with amended claims 20 and 21 are allowable. Applicant's counsel has reviewed all of the references of record in this case and submits that claims 22, 23, 20 and 21 are patentable over each of those references individually and any proper combination of those references.

Applicant requests that the Examiner reconsider her position in this case and issue a Notice of Allowance.

Respectfully submitted,

  
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8/28/03

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